IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.78 OF 2004

...

Union of India ...Petitioner

v/s.

M/s.Quality Construction co.
and Anr. ...Respondents

...

Ms.S.I. Shah with Mr.Suresh Kumar for the Petitioner.

Mr.Atul Rajadhyaksha i/b Crawford Baylay & Co.
for Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 25TH APRIL, 2005

P.C.:

1. Heard the learned Counsel for both sides. So far as preliminary objection raised on behalf of the Petitioner is concerned, after having gone throgh the award of the learned arbitrator I find that it has been properly dealt with by the learned arbitrator. He has given cogent reasons for holding that 10 months delay out of total 20 months is attributable to the Union of India. That is a finding of fact which cannot be disturbed. Division Bench in Arbitration Appeal (L) No.993 of 2003 in the case of Union of India v/s. Moti Enterprises has interpreted same provision which falls for consideration in this matter. In view of the interpretation placed by the Division Bench on the terms of clause 11, I do not find that there is any room to interfere with the award. Petition is, therefore, disposed of.

...